

Serial No. 10/578,344
Art Unit: 1655
Reply to Requirement for Restriction Under 35 U.S.C. § 1.121

Remarks

The following remarks are responsive to the January 28, 2008 Requirement for Restriction.

Status of the Claims

Claim 5 is amended. Support is found on page 7, lines 1-7 of the specification. No new matter is added. Claims 1-11 are pending.

Requirement for Restriction/Election of Claims

The Examiner restricted the claims to the following Groups: (I) Claims 1-8, drawn to a composition; and (II) Claims 9-11, drawn to a process for producing the extract. Applicants elect Group I (Claims 1-8) for examination on the merits, with the proviso that the withdrawn process claims will be considered for rejoinder.

In addition, Applicants elect, with traverse, schizandrin for species (a) from Claim 5, and a stabilizer for species (b) from Claim 6. The requirement for an election of species is believed to be unwarranted, as a search for the extract (which would likely include the components of Claim 5) would not require an unduly burdensome search by the Examiner. Claims 1-8 read on the elected species. Reconsideration and withdrawal of the requirement are respectfully requested.

Fees


No fees are believed due, but the Commissioner is authorized to charge any fees deemed due (or credit any balance) to Deposit Account No. 50-1177.

Respectfully submitted,

February 28, 2008

Date

Cognis Corporation, Patent Dept.
300 Brookside Avenue
Ambler, PA 19002


Jane E. Keene
Reg. No. 36,014
Attorney for Applicants
Telephone: (215) 628-1474
Facsimile: (215) 628-1345